APPENDIX

IN THE

SUPREME COURT OF THE UNITED STATES

AT WASHINGTON

J. P. KIMBRELL, Petitioner

versus

THE LAWRENCE COUNTY BAR ASSOCIATION

* * * * *

The judges of the Circuit and Chancery Courts, and of other inferior courts, shall be elected by the qualified voters of the district or circuit to which they are to be assigned. Every judge of such courts **shall be thirty years of age, and shall before his election, have been a resident of the state for five years and of the circuit or district one year.** His term of service shall be eight years. — Tennessee Constitution, Art. VI, Sec. 4.

Be it further enacted, That there shall be a judge for said court, **who shall be a person licensed to practice law in Tennessee, and with all other qualifications . . . as provided by the Constitution of the State of Tennessee for inferior courts . . .** Section 12, Chap. 55, Private Acts of 1943.

If any act of Congress or the Legislature of a state violates the constitutional provisions, it is unquestionably void. — Elliot's Debates, p. 627.

The Legislatures are the creatures of the Constitution . . . They derive their power from the Constitution. The Constitution is the work or will of the people, themselves, in their original sovereign and unlimited capacity. Law is the work or will of the Legislatures, in their derivative and subordinate capacity . . . The Constitution fixes limits to the exercise of legislative authority and prescribes the orbit in which it must

move . . . Every act of the Legislature repugnant to the Constitution is absolutely void. — Elliot's Debates, p. 627.

. . . The qualifications of electors and the elected are fundamental articles in a republican government and ought to be fixed by the Constitution. If the Legislature can regulate those (the qualifications) of either (electors or the elected), it can by degrees subvert the Constitution. A republic can be converted into an aristocracy or an oligarchy as well by limiting the number capable of being elected as the number authorized to elect. — Journal of the Constitutional Convention, August 10, 1787.

Petitioner hereby certifies that he has mailed copies of the foregoing to the attorneys for the Respondents at Lawrenceburg, Tenn.